

**Ravalli County Planning Board
Meeting Minutes for June 18, 2008
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting
Lone Pine Estates (Michels Development) Major Subdivision

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Lee called the meeting to order at 3:10 p.m.

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (excused)
John Carbin (present)
Jim Dawson (present)
Ben Hillicoss (present)
Dan Huls (unexcused)
JR Iman (present)
Lee Kierig (present)
Chip Pigman (excused)
Les Rutledge (present)
Jan Wisniewski (present)

Park Board Representative: Bob Cron (present)

(B) Staff

Renee Lemon
Randy Fifrick
Shaun Morrell
Kimberli Conder

3. Approval of Minutes

Lee asked if there were any corrections or additions to the minutes from May 7, 2008. There was a miscommunication and the Board members did not see a copy of the previous minutes so they will be continued until the next meeting.

4. Amendments to the Agenda

There were none.

5. **Correspondence**

Randy told the Planning Board members to check their folders as Stevensville School District submitted comments as well.

6. **Disclosure of Possible/Perceived Conflicts**

Mary Lee abstained from the subdivision part of the meeting because she is very good friends with the developer.

7. **Public Meeting**

(A) **Lone Pine Estates (Michels Development) Major Subdivision**

(i) **Staff Report on the Subdivision Proposal**

Randy gave the staff report stating that the Lone Pine Estates Subdivision be **conditionally approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. (See Attachment B, Lone Pine Estates staff report for Planning Board)

(ii) **Presentation by subdivider's representative**

Jake Kammerer, Kammerer Environmental Consulting, stated that he agreed with the planning staff with the exception of the following things; importance of local soils. He said that the soils in this area are not prime soils. Another factor he did not agree with was in having to contribute to the Open Lands. Along the lines of the soils, he asked why it is necessary to contribute when the soils are not worth it. The last issue is the trail that the Park Board recommended. It has been stated in research that softer surfaces used other than concrete are better for the elderly and children. Jake said that they are going to use intro density fill instead of concrete as it has more give that is safer for runners, walkers, etc. And instead of the trail being 5 feet wide they would like it to be 4 feet wide which is ADA approved.

(iii) Acceptance of written public comments to transmit to the Ravalli County Commissioners, and a brief explanation of effective ways for the public to comment on subdivision proposals.

(iv) **Board Deliberation on the subdivision proposal**

Les stated that the property owner was in farming and that productivity in this area was low.

Jake said that it was not that the previous owner did not make money it is just the fact that with all the time and effort that was put into it, it was not worth it.

JR stated that he thought the discussion was going the wrong way. He said that the soil of local importance on an agriculture basis is based on productivity level. This soil may have another perceived value on it and therefore can be contributed to the OLB. His opinion is that the soil of local importance has nothing to do with this, but has to do with production.

Ben said that he went out and looked at this property and right across from it the field was being hayed and he thought it looked like good hay. With all that is going on now, we are going to need this agriculture land and he does not see the contribution to the OLB as proper mitigation. He is also concerned that this property had irrigation rights and lost them. Another issue is again, the Eastside Highway. He realizes that the developer can not do anything but he is still concerned about putting more cars out there. Also, the public health and safety issues. Florence and Lone Rock fire departments are struggling with the growth as it is. At this point until there are impact fees or some other system put into place then I am opposed to anything going up in that area out there.

Bob said that Park Board agrees with the cash-in-lieu. He said that they would prefer pavement but as long as the fill is ADA approved then they are ok with that. As far as the width of the trail being 5 feet wide there a couple reasons for this: first, there is no question that two people can pass comfortably while walking or biking and it is more comfortable for two people to walk side by side.

Jim asked where the tests were taken from in relation to the houses, water wells and drainfields.

Jake said that the background nitrate level and such were taken from 3 wells on site.

Jim asked why the board was not given this information.

Lee stated that it was not given until the final plat.

John Carbin stated that he agrees with Ben about a lot of the concerns such as soil and the public health and safety issues. He also said that he lives in this area and is concerned about the Lee Metcalf Refuge. According to the staff report they do not want certain chemicals used either.

Jake said that there is a cooperative agreement between Stevi and Hamilton Police Departments and that Stevi will be the first responders.

John said that he does not find this encouraging because these districts are very short on people.

Jan said that he keeps hearing that it is dangerous to live in these areas, but there has been no documentation stating this.

Lee said that there is plenty of documentation of this on record from these meetings. It is very worrisome because the local sheriff has come out and said that they are struggling to keep up with the growth of this valley.

Les stated that if the sheriff wants to make a deal then that is a help. There is a difference between this one and the last few subdivisions because of that agreement and there is just way too much unpredictability up Eight Mile Creek Road. He said that he thinks this subdivision is close enough and safer than the far northern units. In terms of agriculture land he believes that this piece of land is really marginal. The benefit of this area being in development is weed control.

Erin Holmes, manager of the Lee Metcalf Refuge, stated that the one thing they are concerned about is the groundwater on a cumulative scale. Also trees are going to be a huge help, but they really need to be native trees. Those are about our only concerns.

Jake stated that they would be happy to put that information into the covenants.

Lee stated that before a motion is made the board will go through the 6 criteria.

Board discussion and deliberation on the Six Criteria for Subdivision Review (See Attachment C, Six Criteria for subdivision review)

1) Effects on agriculture, including effects on the agriculture sector, loss of agriculture ground and effects on surrounding agriculture activities or practices.

Jim abstained from the vote as he did not think he had enough information to contribute fairly.

Lee stated that the local food co-op should be contacted to show how significantly agriculture is effected.

John said that he lives near there on 3.5 acres and there has been excellent pasture after moderate uses so he too thinks there is significant impact.

Ben stated that this looks like excellent farmland and if it is subdivided then there will be no room for agriculture.

Jan stated he has first hand knowledge that the area is not great farmland. The soil is devoid of lime, is acidic and gravelly, and the land would not be considered prime hay ground.

JR stated NRCS has classified the property as not being prime farmland; we need to respect the experts.

Three members voted there was a significant impact and three voted there is a non-significant impact.

2) Effects on Agriculture water-user facilities.

Five members voted that there was a non significant impact and two voted there is a significant impact.

3) Effects on local services, including public road system, police and fire protection, utilities and public schools.

Les stated that every subdivision needs to be looked at on single basis and this subdivision is better than the others and factors have been mitigated for.

Lee said that a number of the board members have decided that these services are hurting and it is on the record several different times. He said that they have not changed their mind and this is a very significant impact and problem.

Four members voted there was a significant impact and three voted there is a non-significant impact.

4) Effects on the natural environment, including groundwater contamination, riparian/wetland areas, soil erosion, vegetation and air pollution and noxious weeds.

Four board members voted that there was a non significant impact while 3 members for significant impact.

5) Effects on wildlife and wildlife habitat, including fisheries and mammals.

All seven board members voted that there was a non-significant impact.

6) Effects on public health and safety, including sanitary issues such as sewage disposal and ground water contamination, police and fire protection, wild land fire hazard, traffic safety and the presence of other known hazards (onsite and offsite) such as high-pressure natural gas lines, airports, overhead power lines, industrial activities, mining activities , irrigation ditches and defined dam inundation areas.

Four members voted that there is a significant impact and three voted there is a non significant impact.

Lee stated his reason as to the relationship of this criteria and criteria in number 3.

Jim stated that from his standpoint there is no hydrological study, the drainfield information, etc. because it is being held by DEQ.

John made the motion to deny the Lone Pine Estates subdivision based on the review criteria in number 3 and 6.

Ben seconded the motion.

The vote was called; the members voted (4-3) to deny the Lone Pine Estates subdivision. (See Attachment D, Lone Pine Estates Subdivision Vote Sheet)

8. Communications from Staff

(A) Update on Meeting with the BCC regarding the review criteria on June 9th

Renee gave the details of this meeting:

Effects on Ag: locally important farmland soils

- NRCS presented info on farmland soils classification on May 28th
- Received that local classification NOT be used for subdivision review
- Neal Svendsen offered to help RC come up with another classification somewhere between local class. And statewide class.
- The BCC decided to form a committee to work with Neal
- Irrigation district, extension office, farm bureau, RFRB, conservation district, & planning Department.
- BCC request that the PB recommend adequate mitigation for the loss of farmland

- Researching what other communities have done
- Talking to local groups like RFRB

Effects on Aq water user facilities:

- Staff to compile a list of concerns from the Irrigation Districts
- Concerns about how irrigation plans are considered during DEQ Review – staff will work with RCEH to figure out

(B) Planning Board rules

- There are no set rules
- Staff will prepare several examples, such as Roberts' Rules, for PB to review and make a decision on
- PB will make a recommendation to the BCC, the CAO will review it and then the BCC to adopt.

(C) BCC request for Planning Board to recommend adequate mitigation for the loss of farmland

- See "A" above

(D) Staff Reports and subdivision applications

(E) Update about Countywide zoning project

Shaun went over the CPEP progress report (See Attachment F, CPEP Progress Report and Narrative and Timeline)

9. Communications from Public

There was none.

10. Communications from The Board

There was none.

11. New Business

There was none.

12. Old Business

There was none.

13. Next Regularly Scheduled Meeting: July 2, 2008 at 7:00 p.m.

14. Adjournment

Lee adjourned the meeting at 5:45 p.m.